

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

EULALIO RODRIGUEZ-MEJIA,

Defendants.

**CR-19-01-GF-BMM**

**ORDER**

Border Patrol Agents arrested Eulalio Rodriguez-Mejia on December 8, 2018, in Havre, Montana. (Doc. 19 at 1.) The Grand Jury indicted Rodriguez-Mejia on January 10, 2019, on two counts: Illegal Reentry in violation of 8 U.S.C. 1326(a) (Count I) and Use of Possession of a Fraudulent Immigration Document in violation of 18 U.S.C. 1546(c) (Count II). (Doc. 1.) Thirty-three days lapsed between the arrest of Rodriguez-Mejia and the filing of the indictment in this case.

Rodriguez-Mejia moved this Court to dismiss the indictment pursuant to 18 U.S.C. § 3161(b) and 18 U.S.C. § 3162(a) on February 11, 2019. (Doc. 18.) The Government concedes that the indictment was filed outside the thirty-day deadline imposed by the Speedy Trial Act. (Doc. 23.) The sole issue before the Court was whether the indictment should be dismissed with prejudice or dismissed without

prejudice. The Court conducted hearing on the instant motion on February 26, 2019. (Doc. 25.)

For the reasons stated in open court, **IT IS ORDERED:**

1. Rodriguez's Motion to Dismiss Indictment (Doc. 18) is **GRANTED.**
2. Indictment (Doc. 10) is **DISMISSED WITH PREJUDICE.**

DATED this 26<sup>th</sup> day of February, 2019.



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Brian Morris  
United States District Court Judge